

109th CONGRESS
1st Session
S. 243

To establish a program and criteria for National Heritage Areas in the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

February 1, 2005

Mr. THOMAS introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish a program and criteria for National Heritage Areas in the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

- (a) Short Title- This Act may be cited as the 'National Heritage Partnership Act'.
- (b) Table of Contents- The table of contents of this Act is as follows:
 - Sec. 1. Short title; table of contents.
 - Sec. 2. Definitions.
 - Sec. 3. National Heritage Areas program.
 - Sec. 4. Studies.
 - Sec. 5. Management plans.
 - Sec. 6. Local coordinating entities.
 - Sec. 7. Relationship to other Federal agencies.
 - Sec. 8. Private property and regulatory protections.
 - Sec. 9. Authorization of appropriations.

SEC. 2. DEFINITIONS.

In this Act:

- (1) LOCAL COORDINATING ENTITY- The term 'local coordinating entity' means the entity designated by Congress--
 - (A) to develop, in partnership with others, the management plan for a National Heritage Area; and
 - (B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.

(2) MANAGEMENT PLAN- The term 'management plan' means the plan prepared by the local coordinating entity for a National Heritage Area designated by Congress that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with section 5.

(3) NATIONAL HERITAGE AREA- The term 'National Heritage Area' means an area designated by Congress that is nationally important to the heritage of the United States and meets the criteria established under section 4(a).

(4) NATIONAL IMPORTANCE- The term 'national importance' means possession of--

(A) unique natural, historical, cultural, educational, scenic, or recreational resources of exceptional value or quality; and

(B) a high degree of integrity of location, setting, or association in illustrating or interpreting the heritage of the United States.

(5) PROGRAM- The term 'program' means the National Heritage Areas program established under section 3(a).

(6) PROPOSED NATIONAL HERITAGE AREA- The term 'proposed National Heritage Area' means an area under study by the Secretary or other parties for potential designation by Congress as a National Heritage Area.

(7) SECRETARY- The term 'Secretary' means the Secretary of the Interior.

(8) STUDY- The term 'study' means a study conducted by the Secretary, or conducted by 1 or more other interested parties and reviewed by the Secretary, in accordance with the criteria and processes established under section 4, to determine whether an area meets the criteria to be designated as a National Heritage Area by Congress.

SEC. 3. NATIONAL HERITAGE AREAS PROGRAM.

(a) In General- The Secretary shall establish a National Heritage Areas program under which the Secretary shall provide technical and financial assistance to local coordinating entities to support the establishment of National Heritage Areas.

(b) Duties- Under the program, the Secretary shall--

(1)(A) conduct studies, as directed by Congress, to assess the suitability and feasibility of designating proposed National Heritage Areas; or

(B) review and comment on studies undertaken by other parties to make such assessment;

(2) provide technical assistance, on a reimbursable or non-reimbursable basis (as determined by the Secretary), for the development and implementation of management plans for designated National Heritage Areas;

(3) enter into cooperative agreements with interested parties to carry out this Act;

(4) provide information, promote understanding, and encourage research on National Heritage Areas in partnership with local coordinating entities;

(5) provide national oversight, analysis, coordination, and technical assistance and support to ensure consistency and accountability under the program; and

(6) submit annually to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the

Senate a report describing the allocation and expenditure of funds for activities conducted with respect to National Heritage Areas under this Act.

SEC. 4. STUDIES.

(a) Criteria- In conducting or reviewing a study, the Secretary shall apply the following criteria to determine the suitability and feasibility of designating a proposed National Heritage Area:

(1) An area--

(A) has an assemblage of natural, historic, cultural, educational, scenic, or recreational resources that together are nationally important to the heritage of the United States;

(B) represents distinctive aspects of the heritage of the United States worthy of recognition, conservation, interpretation, and continuing use;

(C) is best managed as such an assemblage through partnerships among public and private entities at the local or regional level;

(D) reflects traditions, customs, beliefs, and folklife that are a valuable part of the heritage of the United States;

(E) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;

(F) provides outstanding recreational or educational opportunities; and

(G) has resources and traditional uses that have national importance.

(2) Residents, business interests, nonprofit organizations, and governments (including relevant Federal land management agencies) within the proposed area are involved in the planning and have demonstrated significant support through letters and other means for National Heritage Area designation and management.

(3) The local coordinating entity responsible for preparing and implementing the management plan is identified.

(4) The proposed local coordinating entity and units of government supporting the designation are willing and have documented a significant commitment to work in partnership to protect, enhance, interpret, fund, manage, and develop resources within the National Heritage Area.

(5) The proposed local coordinating entity has developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government) in the management of the National Heritage Area.

(6) The proposal is consistent with continued economic activity within the area.

(7) A conceptual boundary map has been developed and is supported by the public and participating Federal agencies.

(b) Consultation- In conducting or reviewing a study, the Secretary shall consult with the managers of any Federal land within the proposed National Heritage Area and secure the concurrence of the managers with the findings of the study before making a determination for designation.

(c) Transmittal- On completion or receipt of a study for a National Heritage Area, the Secretary shall--

(1) review, comment, and make findings (in accordance with the criteria specified in subsection (a)) on the feasibility of designating the National Heritage Area;

- (2) consult with the Governor of each State in which the proposed National Heritage Area is located; and
- (3) transmit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, the study, including--
 - (A) any comments received from the Governor of each State in which the proposed National Heritage Area is located; and
 - (B) a finding as to whether the proposed National Heritage Area meets the criteria for designation.
- (d) Disapproval- If the Secretary determines that any proposed National Heritage Area does not meet the criteria for designation, the Secretary shall include within the study submitted under subsection (c)(3) a description of the reasons for the determination.
- (e) Designation- The designation of a National Heritage Area shall be--
 - (1) by Act of Congress; and
 - (2) contingent on the prior completion of a study and an affirmative determination by the Secretary that the area meets the criteria established under subsection (a).

SEC. 5. MANAGEMENT PLANS.

- (a) Requirements- The management plan for any National Heritage Area shall--
 - (1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;
 - (2) include a description of actions and commitments that governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;
 - (3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;
 - (4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;
 - (5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;
 - (6) describe a program for implementation for the management plan, including--
 - (A) performance goals;
 - (B) plans for resource protection, enhancement, interpretation, funding, management, and development; and
 - (C) specific commitments for implementation that have been made by the local coordinating entity or any government agency, organization, business, or individual;

(7) include an analysis of, and recommendations for, means by which Federal, State, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this Act; and

(8) include a business plan that--

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) Deadline-

(1) IN GENERAL- Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING- If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this Act until such time as the management plan is submitted to and approved by the Secretary.

(c) Approval of Management Plan-

(1) REVIEW- Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) CONSULTATION- The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL- In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether--

(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(B) the local coordinating entity--

(i) has afforded adequate opportunity for public and governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;

- (D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;
- (E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;
- (F) the Secretary has received adequate assurances from the appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local elements of the management plan; and
- (G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(4) DISAPPROVAL-

(A) IN GENERAL- If the Secretary disapproves the management plan, the Secretary--

- (i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and
- (ii) may make recommendations to the local coordinating entity for revisions to the management plan.

(B) DEADLINE- Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(5) AMENDMENTS-

(A) IN GENERAL- An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION- The local coordinating entity shall not use Federal funds authorized by this Act to implement an amendment to the management plan until the Secretary approves the amendment.

SEC. 6. LOCAL COORDINATING ENTITIES.

(a) Duties- To further the purposes of the National Heritage Area, the local coordinating entity shall--

- (1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with section 5;
- (2) submit an annual report to the Secretary for each fiscal year for which the local coordinating committee receives Federal funds under this Act, specifying--
 - (A) the specific performance goals and accomplishments of the local coordinating committee;
 - (B) the expenses and income of the local coordinating committee;
 - (C) the amounts and sources of matching funds;
 - (D) the amounts leveraged with Federal funds and sources of the leveraging; and
 - (E) grants made to any other entities during the fiscal year;

- (3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this Act, all information pertaining to the expenditure of the funds and any matching funds; and
 - (4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.
- (b) Authorities- For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this Act to--
- (1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;
 - (2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;
 - (3) hire and compensate staff, including individuals with expertise in--
 - (A) natural, historical, cultural, educational, scenic, and recreational resource conservation;
 - (B) economic and community development; and
 - (C) heritage planning;
 - (4) obtain funds or services from any source, including other Federal laws or programs;
 - (5) contract for goods or services; and
 - (6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.
- (c) Prohibition on Acquisition of Real Property- The local coordinating entity may not use Federal funds authorized under this Act to acquire any interest in real property.

SEC. 7. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

- (a) In General- Nothing in this Act affects the authority of a Federal agency to provide technical or financial assistance under any other law.
- (b) Consultation and Coordination- The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.
- (c) Other Federal Agencies- Nothing in this Act--
- (1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;
 - (2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or
 - (3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 8. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this Act--

- (1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;
- (2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;
- (3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to any local coordinating entity;
- (4) authorizes or implies the reservation or appropriation of water or water rights;
- (5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or
- (6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) Studies- There is authorized to be appropriated to conduct and review studies under section 4 \$750,000 for each fiscal year, of which not more than \$250,000 for any fiscal year may be used for any individual study for a proposed National Heritage Area.

(b) Local Coordinating Entities-

(1) IN GENERAL- There is authorized to be appropriated to carry out section 6 \$15,000,000 for each fiscal year, of which not more than--

(A) \$1,000,000 may be made available for any fiscal year for any individual National Heritage Area, to remain available until expended; and

(B) a total of \$10,000,000 may be made available for all such fiscal years for any individual National Heritage Area.

(2) TERMINATION DATE-

(A) IN GENERAL- The authority of the Secretary to provide financial assistance to an individual local coordinating entity under this Act (excluding technical assistance and administrative oversight) shall terminate on the date that is 15 years after the date of the initial receipt of the assistance by the local coordinating committee.

(B) DESIGNATION- A National Heritage Area shall retain the designation as a National Heritage Area after the termination date prescribed in subparagraph (A).

(3) ADMINISTRATION- Not more than 5 percent of the amount of funds made available under paragraph (1) for a fiscal year may be used by the Secretary for technical assistance, oversight, and administrative purposes.

(c) Matching Funds-

(1) IN GENERAL- As a condition of receiving a grant under this Act, the recipient of the grant shall provide matching funds in an amount that is equal to the amount of the grant.

(2) ADMINISTRATION- The recipient matching funds--

(A) shall be derived from non-Federal sources; and

(B) may be made in the form of in-kind contributions of goods or services fairly valued.

END